

TOWNSHIP OF WALL

ORDINANCE NO. 15-2021

**AUTHORIZATION FOR A SANITARY SEWER EASEMENT SWAP INVOLVING
BLOCK 78, LOT 1.01 ON THE TAX MAPS OF THE TOWNSHIP OF WALL (1732
NJ-35, WALL TOWNSHIP, NJ 07719)**

WHEREAS, on October 21, 2019, the Township Planning Board granted Route 35 Wall Realty, LLC (“Owner”) Preliminary and Final Major Site Plan Approval (“Approval”) to permit development of property located at 1732 NJ-35, Wall Township, County of Monmouth, State of New Jersey and identified as Block 78, Lot 1.01 on the Tax Maps of the Township of Wall (the “Property”); and

WHEREAS, the Owner conveyed to the Township of Wall (“Wall”) an access and sanitary sewer easement (the “Easement”) over portions of the Property, by deed recorded on March 2, 2020 in Page 3074 of Book OR-9400 in the Monmouth County Clerk’s Office, the legal description of which is attached hereto as **Exhibit “A”**; and

WHEREAS, the area and location of the Easement require minor modification; and

WHEREAS, in order to effectuate the necessary modification, the Owner requested that Wall extinguish and vacate the recorded Easement, in exchange for the Owner granting a Deed of Access and Sanitary Sewer Easement to the Township over the property as provided in the description attached hereto as **Exhibit “B”**; and

WHEREAS, the Township Engineer has reviewed the proposed the modifications and approved the description contained in **Exhibits “A” and “B”** from an engineering standpoint recommends that the Township Committee extinguish the Easement and enter into a modified easement with the Owner; and

WHEREAS, the Township’s Tax Assessor has certified that the “full and fair value” of the easements to be exchanged under the foregoing easement swap are equal; and

WHEREAS, N.J.S.A. 40A:12-16 authorizes the Township to approve an easement swap by duly adopted ordinance.

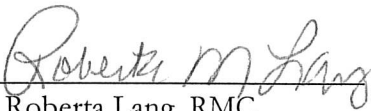
NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall, County of Monmouth, State of New Jersey, as follows:

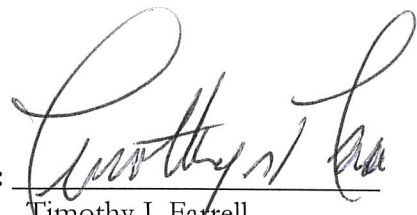
1. The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized to execute a Deed extinguishing and terminating the easement over the property described in Exhibit A, in exchange for a Deed granting to the Township a Deed of Access and Sanitary Sewer Easement over the property described in Exhibit B. The form and substance of the deeds shall be subject to the review and approval of the Township Attorney.

3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.
4. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
5. This Ordinance shall take effect upon passage and publication in accordance with law.

Introduced: October 27, 2021

Adopted: November 23, 2021

Attest: 
Roberta Lang, RMC
Township Clerk

Approve: 
Timothy J. Farrell
Mayor

SUMMARY AND NOTICE

TOWNSHIP OF WALL

ORDINANCE NO. 15-2021

**AN ORDINANCE AUTHORIZING A SANITARY SEWER EASEMENT SWAP
INVOLVING BLOCK 78, LOT 1.01 ON THE TAX MAPS OF THE TOWNSHIP OF
WALL (1732 NJ-35, WALL TOWNSHIP, NJ 07719)**

Adoption of this ordinance will authorize a sanitary sewer easement swap involving Block 78, Lot 1.01 on the tax maps of the Township of Wall (1732 NJ-35, Wall Township, NJ 07719)

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on October 27 and will further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on November 23, 2021 at 7:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to the members of the general public who shall request the same or may be viewed on our website at www.wallnj.com.

**Roberta M. Lang, R.M.C.
Municipal Clerk**



Monmouth County Document Summary Sheet



MONMOUTH COUNTY CLERK
PO BOX 1251
MARKET YARD
FREEHOLD NJ 07728

Return Name and Address
John A. Sarto, Esquire
Giordano Halleran & Ciesla
125 Half Mile Road, Suite 300
Red Bank, NJ 07701



601U92

Official Use Only

Submitting Company Giordano Halleran & Ciesla

292

Document Type

Document Date (mm/dd/yyyy)

02/28/2020

Total Number of Pages
(Including the cover sheet)

8.7

Consideration Amount (If applicable)

\$1.00

Official Use Only

RECEIVED
02/28/2020 2:16:46 PM
CHRISTINE GIORDANO HANLON
COUNTY CLERK
MONMOUTH COUNTY, NJ

8

CHRISTINE GIORDANO HANLON
COUNTY CLERK
MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER
2020024159
RECORDED ON
Mar 02, 2020
11:29:45 AM
BOOK: 0R-9400
PAGE: 3074
Total Pages: 8

COUNTY RECORDING FEES \$100.00
TOTAL PAID \$100.00

First Party	Name(s) (Last Name, First Name or Company Name)		Address (Optional)		
	Route 35 Wall Realty, LLC				
Second Party	Name(s) (Last Name, First Name or Company Name)		Address (Optional)		
	Township of Wall				
The Following Section is Required for DEEDS Only					
Parcel Information	Municipality	Block	Lot	Qualifier	Property Address
	Wall Township <input checked="" type="checkbox"/>	78	1		
Recording Reference to Original Document (if applicable)					
Reference Information (Marginal Notation)	Book	Beginning Page		Instrument No.	

Please do not detach this page from the original document as it contains important recording information and is part of the permanent record.

DEED OF ACCESS AND SANITARY SEWER EASEMENT

This Deed of Access and Sanitary Sewer Easement is made on this 28th day of February, 2020, by and between

ROUTE 35 WALL REALTY, LLC, a limited liability company of the State of New Jersey; having an address of 10 Centerville Rd., Holmdel, NJ 07733 (hereinafter referred to as "Grantor")

AND

TOWNSHIP OF WALL, a public body and municipal corporation of the State of New Jersey, (hereinafter called "Grantee").

The Grantor grants and conveys a 30' wide Access and Sanitary Sewer Easement ("Easement") over, across and under the property described below to the Grantee. This transfer is made for the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged.

The Grantor grants and conveys a permanent, non-exclusive Easement and unobstructed right of entry, and right-of-way across, over and under the property of the Grantor, situate in Wall Township, County of Monmouth, State of New Jersey, being known and designated as Block 78, Lot 1 on the Wall Township Tax Map (the "Property"); said easements being more fully described in the attached **Schedule "A"** and depicted on the map attached as **Schedule "B"** which are made part hereof.

The Grantor promises that the Grantor has done no act to encumber the Property or the Easement. This promise is called a "Covenant as to Grantor's Acts." This promise means that the Grantor has not let anyone else obtain any legal rights which affect the Property or Easement (such as making a mortgage or allowing a judgment to be entered against the Grantor).

This right of entry and Easement is dedicated to Wall Township for the purpose of accessing the sewer utility facilities, including pipelines, terminal and junction boxes and other appurtenant facilities, said Easement is intended to be an uninterrupted and unobstructed right of entry and Easement, under, across and over the area described, consisting of the right to erect, construct, install, use, impact, repair, replace, remove, maintain and preserve utility facilities of any kind and any other appurtenances which may, in the reasonable opinion of the Township, become necessary in the future, (i) in the event of emergency, or; (ii) in the event that the Grantor defaults in its obligations to maintain the sanitary sewer utilities. All costs incurred by the Grantee shall be paid by the Grantor and the Grantor shall restore, at its expense, the area of the parking lot disturbed by the Grantee.

The within Easement and right of entry is granted pursuant to preliminary and final site plan approval ("Approval") granted by the Wall Township Planning Board ("Board") and memorialized by resolution adopted on or about October 21, 2019.

And the said Grantor does covenant with the said Grantee as follows:

1. The Grantor covenants that it is lawfully seized of the Property (identified herein and as described in the attached Schedule "A" and depicted in the attached Schedule "B") and has the right to grant the within Easement and right of entry.
2. The grant of this Easement and right of entry shall be limited to the purposes stated herein: (i) in the event of emergency or (ii) in the event the Grantor defaults on its obligations to maintain the utilities on the Property described on attached Schedule "A" and depicted on attached Schedule "B" in the reasonable opinion of the Grantee.
3. All the terms, covenants and conditions contained herein shall be for and shall inure to the benefit of and shall bind the respective parties hereto and their heirs, executors, administrators, personal or legal representatives, successors and assigns.
4. It is the intent and purpose of this Easement and right of entry to grant unto the Grantee a non-exclusive Easement, in perpetuity, allowing the Grantee the right, but not the obligation, of ingress and egress, to and from the Property, to access the sewer utility facilities as set forth in this Easement. It being the intention of the parties that this Easement and its terms and conditions shall become part of the chain of title and shall run with the land.
5. This Easement shall in all respects be governed by and construed in accordance with the laws of the State of New Jersey.
6. That the Grantee shall quietly enjoy the said Easement and right-of-entry.
7. That the Grantee shall have quiet possession of the Easement free from all encumbrances.
8. The Grantor will execute such further assurances of the said lands as may be required by Grantee to correct any title defect.
9. The Grantor will warrant generally the Easement hereby conveyed.
10. That Grantor does hereby expressly permit entry by the Grantee, its agents, servants and employees for any purpose as set forth herein across the Property and upon said Easement without furnishing notice of said entry to Grantor.
11. No structure shall be built on or over the path of the Easement accept as permitted by the Approval.
12. The Grantor shall maintain the sanitary sewer line and all related fixtures in working order fit for its intended purpose.

13. The existing sanitary sewer lines and related utilities can be decommissioned and removed without harm to the public.
14. The Grantor shall remove the existing sanitary sewer lines and utilities in accordance with the Approval.

[signature on following page]

Not Certified Copy

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered this Easement on the day and year first above written.

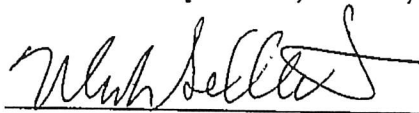
WITNESS:

ROUTE 35 WALL REALTY, LLC

A New Jersey limited liability company

By: Saker ShopRites, Inc., It's Sole Member



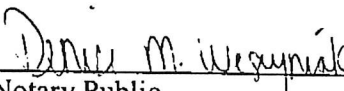
By: 

Mark Schullstrum, Vice President
Saker ShopRites, Inc.

PROOF BY THE SUBSCRIBING WITNESS

STATE OF NEW JERSEY
COUNTY OF MONMOUTHSS:

I CERTIFY that on this 28th day of February, 2020 before me, the subscriber, personally appeared Mark Schullstrum who acknowledged under oath, to my satisfaction, that he/she: (a) is a member or manager of ROUTE 35 WALL REALTY, LLC, the limited liability company named in the within instrument and is authorized to sign the within instrument on behalf of the limited liability company; (b) as such member or manager, signed, sealed and delivered this instrument as the voluntary act and deed of the limited liability company, made by virtue of authority from all of its members; and (c) made this Deed for \$1.00 as full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5).


Notary Public

RECORD AND RETURN TO:
JOHN A. SARTO, ESQ
GIORDANO, HALLERAN & CIESLA
125 HALF MILE ROAD, SUITE 300
RED BANK, NEW JERSEY 07701

DENISE M. WEGRYNIAK
A Notary Public of New Jersey
My Commission Expires August 20, 2024

Docs #4128494-v4

SCHEDULE A



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

DESCRIPTION OF PROPERTY
TOWNSHIP OF WALL
MONMOUTH COUNTY, NEW JERSEY

SANITARY SEWER EASEMENT
PART OF LOT 1, BLOCK 78
PROJECT NO. 12000079A
JANUARY 3, 2020
PAGE 1 OF 2

All that certain lot, tract or parcel of land situate, lying and being in the Township of Wall, in the County of Monmouth and the State of New Jersey, and being all of a 30' wide sanitary sewer easement, the same being a portion of Lot 1, Block 78, as shown on a map entitled "Easement Exhibit for Proposed 30' Wide Sanitary Sewer Esmt., Block 78, a Portion of Lot 1, Wall Township, Monmouth County, New Jersey", prepared by Maser Consulting P.A., dated August 6, 2019 and revised through January 3, 2020, and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the easterly right of way line of New Jersey State Highway Route No. 35, (120 foot wide right of way), said point being the following bearing and distance measured from the intersection of the common line between Lots 1 & 2, Block 78, with the said easterly right of way line of New Jersey State Highway Route No. 35, a.) S 28°01'55" W, 2.57 feet, along the said easterly right of way line of New Jersey State Highway Route No. 35, and running; thence -

The following three (3) courses running through a portion of the aforesaid Lot 1, Block 78:

1. S 00°52'38" W, 339.38 feet; thence -
2. S 81°57'12" E, 393.05 feet; thence -
3. S 01°48'35" E, 23.83 feet, to the northerly right of way line of Eighteenth Avenue (a.k.a. Monmouth County Route No. 30) (variable width right of way); thence -
4. S 76°31'55" W, 17.79 feet, along the aforesaid northerly right of way line of Eighteenth Avenue (a.k.a. Monmouth County Route No. 30), to a point in the same; thence -

The following two (2) courses running through a portion of the aforesaid Lot 1, Block 78:

5. N 81°57'12" W, 407.03 feet; thence -
6. N 00°52'38" E, 307.36 feet, to the aforesaid easterly right of way line of New Jersey State Highway Route No. 35; thence -





DESCRIPTION OF PROPERTY
TOWNSHIP OF WALL
MONMOUTH COUNTY, NEW JERSEY

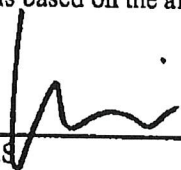
SANITARY SEWER EASEMENT
PART OF LOT 1, BLOCK 78
PROJECT NO. 12000079A
JANUARY 3, 2020
PAGE 2 OF 2

7. N 28°01'55" E, 65.73 feet, along the aforesaid easterly right of way line of New Jersey State Highway Route No. 35; to the Point and Place of BEGINNING.

CONTAINING: 21,910 square feet or 0.503 acres of land, more or less.

SUBJECT TO: all easements, restrictions, reservations, agreements, covenants and rights of way of record.

The foregoing description was prepared by the undersigned surveyor for the firm of Maser Consulting, P.A. and is based on the aforesaid easement exhibit.


ERIC V. WILDE, P.L.S.
NEW JERSEY PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER GS43279

1/3/2020
DATE SIGNED

\\HQFAS1\General\Projects\2012\12000079A\Survey\Description\Easements\San Ease R3.docx

Not Certified

SCHEDULE B

MAP REFERENCES:

1. A MAP ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY FOR ROUTE 35 WALL REALTY, LLC, BLOCK 78, LOTS 1 & 2, WALL TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY" PREPARED BY HASER CONSULTING, P.A., DATED AUGUST 1, 2018, LAST REVISED AUGUST 5, 2018.
2. A MAP ENTITLED "PRELIMINARY AND FINAL MAJOR SITE PLAN FOR ROUTE 35 WALL REALTY, LLC, BLOCK 78, LOTS 1 & 2, WALL TOWNSHIP, MONMOUTH COUNTY, NEW JERSEY" PREPARED BY HASER CONSULTING, P.A., DATED DECEMBER 18, 2018, LAST REVISED DECEMBER 23, 2019.

NEW JERSEY STATE HIGHWAY ROUTE NO. 35

100' WIDE R.O.W. (PUBLIC ROAD)

REBAR W/ CUP FND.

IRON PIPE FND.

CONC. MON. FND.

BLOCK 78 LOT 3

BLOCK 78 LOT 28

BLOCK 78 LOT 27

BLOCK 78 LOT 26

BLOCK 78 LOT 23.02

BLOCK 78 LOT 23.01

BLOCK 78 LOT 22

BLOCK 78 LOT 21

BLOCK 78 LOT 30

N 28°01'55" E 550.00'

S 81°38'05" E 278.08'

S 01°27'05" E

S 01°27'05" E 303.00'

N 28°01'55" E 81.25'

P.O.B. 30' SAN. SEWER EASEMENT

BLOCK 78 LOT 2

N/F ROUTE 35 WALL REALTY, LLC

AREA=100,013± SF OR 2.503± AC.

TOTAL TRACT AREA

295,894± SF OR 6.793± AC.

BLOCK 78 LOT 1

N/F ROUTE 35 WALL REALTY, LLC

AREA=180,821± SF OR 4.290± AC.

PROPOSED 10' WIDE SANITARY SEWER EASEMENT

AREA=21,910± SF OR 0.502± ACRES

S 81°57'12" E 303.05'

N 81°57'12" W 407.03'

PROPOSED 13.5' R.O.W. EASEMENT

S 76°31'55" W 433.12'

EIGHTEENTH AVENUE

(A.K.A. ROUTE 35, ROUTE 350)

(P.O.B. (PUBLIC ROAD))

IRON PIPE FND.

P.R. HALL FND.

IRON PIPE FND. (BENT)

S 76°31'55" W 17.74'

BOLT FND.

23.83'

204.45'

378.57'

S 01°48'35" E 435.02'

S 02°27'50" E 116.05'

IRON BAR FND.

IRON PIPE FND.

CONC. MON. FND.

60 0 60

SCALE: 1"=60'

01/17/2000/PLASMA/Colony IV-DUST-SWAMP AUSTIN DUST SWAMP
OF HAWAII

[illegible]

DESCRIPTION OF PROPERTY
TOWNSHIP OF WALL
MONMOUTH COUNTY, NEW JERSEY

SANITARY SEWER EASEMENT
PART OF LOT 1, BLOCK 78
PROJECT NO. 12000079A
JULY 21, 2021
PAGE 1 | 2

All that certain lot, tract or parcel of land situate, lying and being in the Township of Wall, in the County of Monmouth and the State of New Jersey, and being all of a 30' wide sanitary sewer easement, the same being a portion of Lot 1, Block 78, as shown on a map entitled "Easement Exhibit for Proposed 30' Wide Sanitary Sewer Easement, Block 78, a Portion of Lot 1, Wall Township, Monmouth County, New Jersey", prepared by Colliers Engineering & Design., dated July 21, 2021, and being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the southeasterly right of way line of New Jersey State Highway Route No. 35, (120 foot wide right of way), said point being the following bearing and distance measured from the intersection of the common line between Lots 1 & 2, Block 78, with the said easterly right of way line of New Jersey State Highway Route No. 35, a.) **S 28°01'55" W, 6.70 feet**, along the said southeasterly right of way line of New Jersey State Highway Route No. 35, and running; thence -

The following five (5) courses running through a portion of the aforesaid Lot 1, Block 78:

1. **S 00°42'35" W, 338.60 feet**; thence -
2. **S 82°46'30" E, 202.70 feet**, to a point of curvature; thence -
3. **SOUTHEASTWARDLY** along an arc having a radius of **470.00 feet** and curving to the left, an arc distance of **34.93 feet** (Central Angle of 04°15'30"), said arc being connected by a chord bearing of **S 84°54'16" E** and a chord distance of **34.92 feet**, to a point of tangency; thence -
4. **S 87°02'01" E, 162.82 feet** ; thence -
5. **S 06°37'13" E, 36.35 feet**, to the northerly right of way line of Eighteenth Avenue (a.k.a. Monmouth County Route No. 30) (variable width right of way); thence -
6. **S 76°31'55" W, 30.22 feet**, along the aforesaid northerly right of way line of Eighteenth Avenue (a.k.a. Monmouth County Route No. 30), to a point in the same; thence -

The following five (5) courses running through a portion of the aforesaid Lot 1, Block 78:

7. **N 06°37'13" W, 14.59 feet** ; thence -
8. **N 87°02'01" W, 137.46 feet** ; thence -
9. **NORTHWESTWARDLY** along an arc having a radius of **500.00 feet** and curving to the right, an arc distance of **37.16 feet** (Central Angle of 04°15'30"), said arc being connected by a chord bearing of **N 84°54'16" W** and a chord distance of **37.15 feet**, to a point of tangency; thence -

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PAGE 2 | 2



Engineering
& Design

10. **N 82°46'30" W, 229.46 feet**; thence -

11. **N 00°42'35" E, 307.30 feet**, to the aforesaid southeasterly right of way line of New Jersey State Highway Route No. 35; thence -

12. **N 28°01'55" E, 65.36 feet**, along the aforesaid southeasterly right of way line of New Jersey State Highway Route No. 35; to the Point and Place of **BEGINNING**.

CONTAINING: 22,521 square feet or 0.517 acres of land, more or less.

SUBJECT TO: to all easements, restrictions, reservations, agreements, covenants and rights of way of record.

The foregoing description was prepared by the undersigned surveyor for the firm of Colliers Engineering & Design and is based the aforesaid Proposed Sanitary Sewer Easement Exhibit.


Eric Wilde, PLS

New Jersey Professional Land Surveyor
License Number GS43279

July 21, 2021

Date: